

Judicial Commission

(LFB Budget Summary Document: Page 358)

No Issue Papers Have Been Prepared

Budget Memo

Agency: Judicial Commission

Staff Recommendations:

No Papers Have Been Prepared: No action is necessary
(working off gov's budget)

JUDICIAL COMMISSION

Funding for Judicial Council Expenses

Motion:

Move to provide an additional \$55,000 GPR annually to fund Judicial Council expenses, for total funding of \$90,000 GPR annually. Funding would be included for general operating expenses (\$16,000 annually) and contracts to staff the Judicial Council and its committees (\$74,000 annually).

Note:

The bill would provide \$35,000 GPR annually for Judicial Council expenses. Under this motion, an additional \$55,000 GPR annually would be provided for these expenses.

[Change to Bill: \$110,000 GPR]

MO# 1060

1 BURKE	<input checked="" type="radio"/> Y	<input type="radio"/> N	<input type="radio"/> A
2 DECKER	<input checked="" type="radio"/> Y	<input type="radio"/> N	<input type="radio"/> A
GEORGE	<input checked="" type="radio"/> Y	<input type="radio"/> N	<input type="radio"/> A
JAUCH	<input checked="" type="radio"/> Y	<input type="radio"/> N	<input type="radio"/> A
WINEKE	<input checked="" type="radio"/> Y	<input type="radio"/> N	<input type="radio"/> A
SHIBILSKI	<input checked="" type="radio"/> Y	<input type="radio"/> N	<input type="radio"/> A
COWLES	<input type="radio"/> Y	<input checked="" type="radio"/> N	<input type="radio"/> A
PANZER	<input type="radio"/> Y	<input checked="" type="radio"/> N	<input type="radio"/> A
JENSEN	<input type="radio"/> Y	<input checked="" type="radio"/> N	<input type="radio"/> A
OURADA	<input type="radio"/> Y	<input checked="" type="radio"/> N	<input type="radio"/> A
HARSDORF	<input type="radio"/> Y	<input checked="" type="radio"/> N	<input type="radio"/> A
ALBERS	<input type="radio"/> Y	<input checked="" type="radio"/> N	<input type="radio"/> A
GARD	<input type="radio"/> Y	<input checked="" type="radio"/> N	<input type="radio"/> A
KAUFERT	<input type="radio"/> Y	<input checked="" type="radio"/> N	<input type="radio"/> A
LINTON	<input checked="" type="radio"/> Y	<input type="radio"/> N	<input type="radio"/> A
COGGS	<input checked="" type="radio"/> Y	<input type="radio"/> N	<input type="radio"/> A

AYE 9 NO 8 ABS 0

JUDICIAL COMMISSION

LFB Summary Items for Which No Issue Papers Have Been Prepared

<u>Item #</u>	<u>Title</u>
1	Standard Budget Adjustments
2	Judicial Council Funding

Justice

(LFB Budget Summary Document: Page 359)

LFB Summary Items for Which Issue Papers Have Been Prepared

<u>Item #</u>	<u>Title</u>
1(part)	Minor Policy and Technical Changes -- Removal of Noncontinuing Costs (Paper #530)
2	Budget Reductions (Paper #531)
3,13	DNA Crime Lab Initiative and Fee and Replace Federal Anti-Drug Program Funds (Paper #532)
6(part)	Victim/Witness Assistance -- Surcharge on Juveniles (Paper #533)
8	Eliminate Bankruptcy Positions (Paper #534)
15	Appeals Attorney -- Sexual Predators (Paper #535)
19	Sheriff Fees in Real Estate Sales (Paper #536)
-	Indian Law Initiative (Paper #537)
-	Handgun Hotline Deficit (Paper #538)
-	Minor Policy and Technical Changes -- Sexual Predator Prosecutors (Paper #539)

Budget Memo

Agency: Dept of Justice (Base Agency)

Staff Recommendations:

(NOTE: DOJ supports all our recommendations.
The most important issues are
approval of alt 4 in paper #531 and alt 2 in part A of paper #532.)

If your counterpart goes into his anti-big spending rant,
the obvious response is that this is for crime fighting.
You should probably make this case forcefully, and thereby
make members uncomfortable about opposing increased resources.

Paper No. 530: Approve Modification to Base

Paper No. 531: Alternative 4 (no action needed)

Comments: You might as well go for the big one here. DOJ has taken enough budget cuts in recent years. If something goes awry, however, alt 3 would probably be ok as a last resort. As long as you don't have anyone jump ship, DOJ should be in good shape.

(see paragraph 5 for support of our recommendation) How can anyone argue against more law enforcement resources. These are the people who fill up the prisons.

Julie reports from staff meeting that everyone is on board (but, Linton, Coggs & George's staff were not present). People need to vote no on all motions made by Jensen, until current law is only thing left

Paper No. 532: Part A -- Alternative 2

Comments: Alt A(2) is basically the gov's recommendations with some good technical changes. (see paragraphs 7 & 18 for support of our recommendation)

It's very important to approve alt A(2) here, because several following issues depend upon the approval of A(2)

Harsdorf might not like this increased surcharge, since she has a bill to lower speeding ticket fines, etc.

Andy Cohn says he has Republican votes for the \$4 surcharge, it is the gov's recommendation after all.

*possible compromise
at 3*

Part B -- Alternative 1

Comments: Alt 1 is PR (i.e. taps into the new surcharge fund), rather than GPR. DOJ asked to fund this by PR. (see paragraph 3 for support of our recommendation)

Part C -- Alternative 1

Comments: You can move C(1) only if alt A(1) or A(2) was adopted. This helps restore positions and funding that is being lost because federal money has run out. (see paragraph 11 for support of our recommendation)

Part D -- Alternative 1

Comments: Again, you can only do D(1) if alt A(1), A(2) or A(3) was adopted earlier. This is another effort to replace lost federal positions and funding. (see paragraph 12 for support of our recommendation)

Part E -- Alternative 2

Comments: E(2) can only be adopted if A(2) was approved earlier. (see paragraphs 15, 17 & 18 for support of our recommendation)

Part F -- Alternative 1

Comments: Andy Cohn says they don't want F(2), because those additional positions are not a priority for them. Instead, Decker is doing motions for DOJ that gives them other positions, etc., that they really want. Alt F(2) can only be considered if A(2) was adopted earlier. (see paragraphs 20 & 22 for support of our recommendations)

Decker's motions include a) 3 positions for the Wausau crime lab, plus document analyst; b) \$85k for division of narcotics in Wausau.

In pre-meeting, ask Carri Jaekel where funding for these positions are coming from (i.e. Milwaukee?).

Paper No. 533: Alternative 2

Comments: Alt 2 is just the gov's recommendation plus some technical corrections and new revenue estimates. (see paragraphs 3 & 7 for support of our recommendation)

Paper No. 534: Alternative 2

Comments: DOJ's performance on bankruptcy collection rate is pretty pathetic. It's almost impossible to credibly justify keeping the 4 useless positions, but you still keep 1.5 positions with alt 2. (see paragraphs 2, 3, 4 & 5 for support of our recommendations) DOJ is fine with this.

Paper No. 535: Alternative 2

Comments: Alt 2 provides two project positions to handle these appeals. Better to make these project positions, pending outcome of court rulings around the country. They can be made permanent or eliminated after the court rulings. (see paragraphs 2,3 & 5)

DOJ is also ok with alt 1 as a second choice.

Paper No. 536: Alternative 2

Comments: Alt 2 allows counties that incur higher costs from the real estate sales to set their own fees. Milwaukee County is the only county where the current \$50 fee doesn't cover their costs, and alt 2 should help them out, but alt 1 is ok as a second choice to them. Lev Baldwin allegedly wants alt 2. (see paragraphs 3,4 & 5)

We're not sure why this paper is coming up under DOJ, but no harm done. AB 199 sets a 1% of sale ceiling on chargebacks - which is also ok.

Paper No. 537: Alternative 3

Comments: . Alt 1 would give them more positions, but Andy Cohn says he doesn't want to be greedy here, and Panzer will probably support alt 3. (see paragraphs 7 & 8)

Paper No. 538: Alternative 2 (no action needed)

Comment: Alt 2 (no action needed)
Allows AG to submit his own legislation to address the deficit in the handgun hotline. (see paragraph 4)

*est. 800 line in schools for kids to report guns
- drug tip hotline merge with gun line*

Paper No. 539: Approve Modification to Previous JFC Amendment

For Items which don't have a FB paper, **action is needed** to approve them, because DOJ is a base agency.

Make sure Item #14 is approved. (DOJ wants these positions deleted, and Corrections will have to deal with this. If anyone tries to reinsert the positions at DOJ, you can blast them for being big spenders, etc.)

Andy Cohn says DA McCann is fine with Item #17.

Wineke has motion to transfer Consumer Protection to DOJ.

To: Joint Committee on Finance

From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

Minor Policy and Technical Changes -- Removal of Noncontinuing Costs (Justice)

GOVERNOR

Delete \$94,200 FED and \$272,500 PR and 1.0 FED and 12.0 PR positions in 1997-98 and \$366,700 GPR, \$1,170,600 FED and \$1,203,400 PR and 7.5 GPR, 11.5 FED and 19.0 PR positions as nonrecurring costs.

MODIFICATION TO BASE

Delete an additional \$233,400 PR in 1998-99 to reflect anti-drug program funding that reaches its four-year limit in 1998-99. In addition, transfer -1.0 PR position from the subprogram for the crime information bureau to the subprogram for crime laboratories.

Explanation: A number of DOJ programs which receive funding under the federal anti-drug program reach the four-year funding limit allowed under this program during 1997-99. Under the bill, most, but not all, of the funding associated with these programs is deleted under the standard budget adjustment for nonrecurring costs. Therefore, additional funding of \$233,400 should be eliminated in 1998-99. In addition, under the standard budget adjustments, 6.0 positions are eliminated under the subprogram for the crime information bureau; however, the base for that subprogram includes only 5.0 positions. The additional 1.0 position should be eliminated from the subprogram for crime laboratories.

<u>Modification</u>	<u>PR</u>
1997-99 FUNDING (Change to Base)	-\$233,400
(Change to Bill)	-233,400]

Prepared by: Carri Jakel

MO# modification

1	BURKE	Y	N	A
	DECKER	Y	N	A
	GEORGE	Y	N	A
	JAUCH	Y	N	A
	WINEKE	Y	N	A
	SHIBILSKI	Y	N	A
	COWLES	Y	N	A
	PANZER	Y	N	A
	JENSEN	Y	N	A
2	OURADA	Y	N	A
	HARSDORF	Y	N	A
	ALBERS	Y	N	A
	GARD	Y	N	A
	KAUFERT	Y	N	A
	LINTON	Y	N	A
	COGGS	Y	N	A

AYE 16 NO 0 ABS 0

To: Joint Committee on Finance

From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

Budget Reductions (Justice)

[LFB Summary: Page 359, #2]

CURRENT LAW

The Department of Justice has base GPR funding of \$31.1 million and 410.15 GPR positions for state operations.

GOVERNOR

Delete \$647,500 GPR in 1997-98 and \$280,800 GPR in 1998-99 to reflect budget reductions. The reductions include the following: (a) -\$68,500 and -1.0 position annually to remove a criminal history records project administrator position that was converted from GPR to FED by the Joint Committee on Finance under s. 16.505 in October, 1996; (b) -\$94,700 annually to eliminate funding for 2.0 program and planning analyst positions that were restored without funding under 1995 Act 27, but included under DOJ's standard budget adjustment for full funding of salaries and fringe benefits; and (c) -\$484,300 in 1997-87 and -\$117,600 in 1998-99 in unspecified reductions from the general operations appropriation under the Law Enforcement Services program. Require DOJ to submit a report to the Governor and Joint Committee on Finance, by October 1, 1997, concerning the Department's recommendations on how to allocate the unspecified reductions among DOJ's sum certain GPR appropriations.

DISCUSSION POINTS

1. According to the "Budget in Brief" document, the Governor recommends permanent reductions of approximately 2% per year of GPR state operations funding for some state agencies, the Courts and the Legislature. For DOJ, the reductions represent a cut of 2% in 1997-98 and 0.9% in 1998-99 from the Department's base for state operations. DOA officials indicate that the calculation of DOJ's reduction in 1998-99 took into account the deletion of \$366,700 GPR in 1998-99 that is used to match federal anti-drug abuse funds but which, under the bill, would no longer be needed in 1998-99 (this reduction is reflected under DOJ standard budget adjustments).

2. Under the 1997-99 DOA budget instructions, agencies were required to submit suggestions for reducing base budgets by 3.5%. DOJ requested an exemption from this process, indicating that such reductions could not be absorbed without reducing critical agency services, including undercover narcotics enforcement, training of local drug agents, investigative services, crime laboratory services, background checks, funds for victim compensation and state legal services. The exemption was denied; however, DOJ did not submit a reduction plan.

3. As a result, in addition to specified budget reductions, including -\$163,200 annually associated with three DOJ positions (1.0 criminal history records administrator that has been converted from GPR to PR and 2.0 program and planning analysts for which funding was eliminated under 1995 Act 27, but included in the agency's standard budget adjustments), DOJ must identify cuts of \$484,300 in 1997-98 and \$117,600 in 1998-99.

4. Under the bill, DOJ would be required to submit a report to the Governor and Joint Committee on Finance concerning the agency's preference for allocating the unspecified reductions. On similar provisions relating to the Arts Board and Historical Society, the Committee voted to require that the report be subject to the approval of the Joint Finance Committee under a 14-day passive review process. / Therefore, the bill could be modified to include a 14-day passive review of DOJ's proposal of the unspecified funding reductions. The modification would permit the recommended GPR reductions to be implemented, if the Committee approves the report or does not schedule a meeting to review the report within 14 working days after receipt of the report.

5. DOJ officials argue that the agency cannot absorb additional reductions, and that any allocation of these reductions would result in reduced services to local law enforcement agencies. As a result, costs would be shifted to local governments.

ALTERNATIVES TO BASE

1. Approve the Governor's recommendation to delete \$647,500 GPR in 1997-98 and \$280,800 GPR in 1998-99 and 1.0 GPR position annually. Of the reductions, \$484,300 in 1997-

98 and \$117,600 in 1998-99 would come from the general operations appropriation under the Law Enforcement Services Program, as unspecified reductions. Require DOJ to submit a report to the Governor and Joint Committee on Finance, by October 1, 1997, concerning the Department's recommendations on how to reallocate the reductions to the Law Enforcement Services Program among other sum certain GPR appropriations.

<u>Alternative 1</u>	<u>GPR</u>
1997-99 FUNDING (Change to Base)	- \$928,300
<i>[Change to Bill]</i>	<i>\$0]</i>
1998-99 POSITIONS (Change to Base)	- 1.00
<i>[Change to Bill]</i>	<i>0.00]</i>

2. Approve the Governor's recommendation with a modification to specify that DOJ's proposed allocation of the unspecified funding reductions submitted to the Joint Committee on Finance would be subject to approval under a 14-day passive review process.

<u>Alternative 2</u>	<u>GPR</u>
1997-99 FUNDING (Change to Base)	- \$928,300
<i>[Change to Bill]</i>	<i>\$0]</i>
1998-99 POSITIONS (Change to Base)	- 1.00
<i>[Change to Bill]</i>	<i>0.00]</i>

(2nd) 3. Reduce DOJ appropriations by \$163,200 GPR and 1.0 GPR position annually to reflect: (a) \$68,500 and 1.0 position annually associated with a criminal history records project administrator position that was converted from GPR to FED by the Joint Committee on Finance under s. 16.505 in October, 1996; and (b) \$94,700 annually for 2.0 program and planning analyst positions to reflect the 1995 Act 27 action that eliminated the positions' funding. Under this alternative, DOJ would not be subject to \$601,900 in unspecified budget reductions included under the bill.

<u>Alternative 3</u>	<u>GPR</u>
1997-99 FUNDING (Change to Base)	- \$326,400
<i>[Change to Bill]</i>	<i>\$601,900]</i>
1998-99 POSITIONS (Change to Base)	- 1.00
<i>[Change to Bill]</i>	<i>0.00]</i>

4. Maintain current law.

<u>Alternative 4</u>	<u>GPR</u>
1997-99 FUNDING (Change to Base)	\$0
[Change to Bill	\$928,300]
1998-99 POSITIONS (Change to Base)	0.00
[Change to Bill	1.00]

Prepared by: Carri Jakel

MO# 413

BURKE	Y	<input checked="" type="radio"/> N	A
DECKER	Y	<input checked="" type="radio"/> N	A
GEORGE	Y	<input checked="" type="radio"/> N	A
JAUCH	Y	<input checked="" type="radio"/> N	A
WINEKE	Y	<input checked="" type="radio"/> N	A
SHIBILSKI	Y	<input checked="" type="radio"/> N	A
COWLES	<input checked="" type="radio"/> Y	N	A
PANZER	<input checked="" type="radio"/> Y	N	A
JENSEN	<input checked="" type="radio"/> Y	N	A
OURADA	<input checked="" type="radio"/> Y	N	A
HARSDORF	<input checked="" type="radio"/> Y	N	A
ALBERS	<input checked="" type="radio"/> Y	N	A
GARD	<input checked="" type="radio"/> Y	N	A
KAUFERT	<input checked="" type="radio"/> Y	N	A
LINTON	Y	<input checked="" type="radio"/> N	A
COGGS	Y	<input checked="" type="radio"/> N	A

AYE 4 NO 4 ABS 0

JUSTICE

Budget Reductions

Motion:

Move to reduce DOJ appropriations by \$68,500 GPR and 1.0 GPR position annually associated with a criminal history records project administrator position that was converted from GPR to FED by the Joint Committee on Finance under s. 16.505 in October, 1996.

Note:

The bill would reduce DOJ appropriations by \$647,500 GPR in 1997-98 and \$280,800 GPR in 1998-99 to reflect: (a) \$68,500 and 1.0 position annually associated with a criminal history records project administrator position; (b) \$94,700 annually for 2.0 program and planning analyst positions to reflect 1995 Act 27 actions that eliminated funding for these positions; and (c) \$484,300 in 1997-98 and \$117,600 in 1998-99 in unspecified budget reductions. Under this motion, funding of \$579,000 in 1997-98 and \$212,300 in 1998-99 would be restored for the program and planning analysts and to eliminate the unspecified budget reductions.

[Change to Base: -\$137,000 GPR and -1.0 GPR position]

[Change to Bill: \$791,300 GPR]

MO#

1098

BURKE	Y	N	A
DECKER	Y	N	A
GEORGE	Y	N	A
JAUCH	Y	N	A
WINEKE	Y	N	A
SHIBILSKI	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A
JENSEN	Y	N	A
OURADA	Y	N	A
HARSDORF	Y	N	A
ALBERS	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
LINTON	Y	N	A
COGGS	Y	N	A

Motion #1098

AYE 15 NO 1 ABS

To: Joint Committee on Finance

From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

DNA Crime Lab Initiative and Fee and Replace Federal Anti-Drug Program Funds (Justice)

[LFB Summary: Page 360, #3 and Page 364, #13]

CURRENT LAW

1993 Wisconsin Act 16 created a \$250 DNA surcharge imposed on convictions of burglary and sexual assault to fund deoxyribonucleic acid (DNA) analysis at the DOJ crime laboratories. /The surcharge on burglaries was declared unconstitutional by the Wisconsin Court of Appeals and is not currently being collected./ Revenue from the surcharge on sexual assault convictions is estimated at \$70,000 annually, compared to the original projection of \$763,500 in DNA surcharge revenue annually.

DNA surcharge revenues currently support 4.75 PR crime lab positions and an assistant district attorney (ADA) project position in Milwaukee County, with adjusted base funding of \$370,700 PR. Funding for the Milwaukee County ADA position and 0.75 crime lab position are deleted as noncontinuing elements under the standard budget adjustments. Because expenditures exceed revenues, the DNA program revenue appropriation is expected to end the 1995-97 biennium with a deficit of \$1,022,600.

In the past, DOJ has been awarded federal anti-drug grant moneys to support a number of functions related to anti-drug enforcement efforts. Programs funded with these moneys, which require a 25% state match (matching funds come from the penalty assessment surcharge and general purpose revenues), are limited to four years. Over the 1997-99 biennium, 32.0 positions reach the limit for which federal funding will no longer be available. This represents total funding of \$2,681,300 over the biennium.

GOVERNOR

Create a \$4 crime laboratories assessment to be imposed on convictions for arrests that occur on or after January 1, 1998. The fee would be applied to the same offenses to which the penalty assessment is currently applied (any violation of state law or municipal or county ordinance, except for violations of smoking laws, nonmoving traffic violations or safety belt use violations). Revenue is estimated at \$600,000 in 1997-98 and \$2.6 million in 1998-99 and annually thereafter and would be deposited into the current appropriation for crime laboratories; DNA analysis.

Provide \$75,000 PR in 1997-98 and \$150,000 PR in 1998-99 to perform polymerase chain reaction (PCR) analysis, a new type of DNA identification tool.

Provide \$750,700 PR and 3.0 PR positions and 1.0 GPR position in 1997-98 and \$600,000 GPR and \$4,163,000 PR and 11.0 GPR and 16.0 PR positions in 1998-99 to fund DOJ anti-drug programs which reach their four-year federal funding limit. In addition, create a new program revenue appropriation to receive revenue from the new \$4 crime laboratories assessment to fund drug law enforcement programs and operations at the crime laboratories. Restored positions include the following: (a) 10.0 GPR and 7.0 PR special drug agents in 1998-99 (\$600,000 GPR and \$948,800 PR from OJA penalty assessment funds in 1998-99); (b) 6.0 PR forensic scientists in 1998-99 (\$413,300 PR in 1998-99 from the new crime laboratory assessment); (c) 3.0 PR DNA analysts annually (\$150,700 PR in 1997-98 and \$200,900 PR in 1998-99 from the new crime laboratory assessment); and (d) 1.0 GPR drug tip hotline operator annually (no funding would be provided under the bill). [It should be noted that the bill incorrectly appropriates, from the new crime laboratory assessment, an additional \$449,300 in 1997-98 and \$1,985,800 in 1998-99.]

In addition, modify statutory language to: (a) provide a transfer of \$948,800 in 1998-99 of penalty assessment revenue from DOA to DOJ; and (b) eliminate the requirement, effective July 1, 1998, that GPR funds be provided to match federal anti-drug funding for the crime laboratories, if revenue from the penalty assessment is insufficient.

DISCUSSION POINTS

Crime Lab Assessment and DNA Initiative

1. DOJ, in its budget request, proposed the creation of a \$2 fee on all convictions for arrests that occur on or after January 1, 1998. The fee was proposed as a way to pay for DNA analysis at the state crime laboratories. The current DNA surcharge is not generating revenue to support the current DNA analysis. It is expected that the program will end the biennium with a deficit of \$1,022,600. Under the bill, base funding for DNA operations totals \$343,000 in 1997-98 and \$333,200 in 1998-99 (adjusted base plus standard budget adjustments). DOJ

proposed using revenue from the fee to fund: (a) the DNA surcharge deficit; (b) base operations; and (c) polymerase chain reaction (PCR) analysis.

2. PCR analysis is a new type of DNA identification tool which would replace conventional blood type analysis (ABO typing). Materials for ABO typing are no longer being manufactured and therefore, ABO typing cannot be performed by the crime labs. The only type of DNA technology currently available at the state crime labs is restriction fragment length polymorphism (RFLP) analysis, which is the most definitive type of DNA technology. However, because of the cost, RFLP analysis is limited to the most serious cases. PCR analysis is a faster, less expensive and more sensitive type of analysis than RFLP, and could be used as a screening device to determine if RFLP analysis is required.

3. DOJ has secured a federal grant totalling \$300,000 to purchase equipment needed to perform PCR analysis and for supplies to perform the test until January, 1998. Therefore, DOJ requested, and the bill would provide, funding of \$75,000 PR in 1997-98 and \$150,000 PR in 1998-99 for supplies and services to perform the test for the remainder of the biennium. Funding is based on a total of 4,000 to 5,000 tests annually.

4. The Governor expanded DOJ's proposal for a crime laboratory assessment by creating a \$4, rather than a \$2, fee. Under the bill, a portion of the revenue would be used to fund anti-drug programs that reach their four-year federal funding limit in the 1997-99 biennium.

5. The bill appropriates \$998,200 in 1997-98 and \$3,063,400 in 1998-99 from the crime laboratory assessment revenue, but only identifies expenditures of \$548,900 in 1997-98 and \$1,077,600 in 1998-99. Therefore, the appropriation should be technically corrected to reflect actual authorized expenditures.

6. DOA estimated revenue from the new \$4 crime laboratory assessment fee at \$600,000 in 1997-98 and \$2,600,000 in 1998-99. Based on actual case filings, revenue from the \$4 fee is reestimated to total \$584,400 in 1997-98 and \$2,540,800 in 1998-99. With revenue from the current \$250 DNA surcharge on sexual assault convictions (\$70,000 annually), total revenue is estimated at \$654,400 in 1997-98 and \$2,610,800 in 1998-99. Expenditures under the bill would total \$548,900 in 1997-98 and \$1,077,600 in 1998-99. In addition, revenues would be needed to fund the estimated \$1,022,600 deficit in the current appropriation. As a result, the balance of these funds at the end of the biennium is estimated at \$616,100, as shown below.

	<u>1997-98</u>	<u>1998-99</u>
Opening Balance	-\$1,022,600	-\$917,100
Revenue	654,400	2,610,800
Total Available	-368,200	1,693,700
Expenditures	<u>548,900</u>	<u>1,077,600</u>
Balance	-\$917,100	\$616,100

7. Under the bill, the fee would go into effect for convictions for arrests on or after January 1, 1998. The January date was chosen to allow for time to implement the new fee. However, most changes in court fees are effective October 1, so that they can be incorporated into the annual schedules produced by the courts and that changes to the court automation system programs can be made at one time. If the effective date was changed to convictions for arrests on or after October 1, 1997, additional revenue of \$686,000 could be generated. This would increase the estimated balance in 1998-99 to \$1.3 million.

Replacement of Federal Anti-Drug Program Funds, as Proposed by the Governor

8. In the past, federal anti-drug abuse grant funding has been used to fund a large portion of DOJ anti-drug programs. However, the funding, which requires a 25% state match, is intended to be used for start-up expenses or to pilot new approaches for enforcement of drug laws, and is limited to four years. DOJ has been able to extend federal funding for many of these programs for eight years by submitting applications for extensions that refocused what the funds were being used for, while still supporting the same DOJ functions. However, recent attempts to extend funding have been denied by the federal Department of Justice. As a result, nine DOJ federal grants will expire over the next biennium and include funding for the following:

<u>Program</u>	<u>Grant Expiration</u>	<u>Biennial Loss to DOJ</u>	<u>Positions</u>	<u>Governor's Recommendations</u>	
				<u>Funding</u>	<u>Positions</u>
Drug Enforcement	June 30, 1998	-\$1,603,800	-18.0	\$1,548,800	17.0
Crime Laboratories	June 30, 1998	-437,300	-7.0	413,300	6.0
DNA Analysis	September 30, 1998	-351,600	-3.0	351,600	3.0
Drug Prosecution Team	February 28, 1998	-234,900	-3.0	0	0.0
Drug Tip Hotline	June 30, 1997	<u>-53,800</u>	<u>-1.0</u>	<u>0</u>	<u>1.0</u>
Total		-\$2,681,400	-32.0	\$2,313,700	27.0

9. The 32.0 positions, including 10.5 FED, 14.0 PR and 7.5 GPR positions, and funding were removed as non-continuing elements under the standard budget adjustments. (The PR and GPR positions and funding reflect the federal match requirements.)

10. According to DOJ, all of these programs involve ongoing efforts to assist local law enforcement in combating the war against drugs and, therefore, eliminating any of them would have serious consequences on drug crimes in Wisconsin. It should be noted that, while identifying this problem as a concern in its budget request, DOJ did not identify a solution.

11. Under the bill, revenue from the new fee would be used to restore 6.0 forensic scientists for DOJ crime laboratories (\$413,300 in 1998-99), and 1.0 forensic scientist, 1.0 DNA technician and 1.0 management information specialist for DNA analysis (\$150,700 in 1997-98 and \$200,900 in 1998-99).

12. In addition, the bill would provide funding to restore 17.0 drug enforcement special agents in 1998-99, including \$600,000 GPR and 10.0 GPR positions and \$948,800 PR and 7.0 PR positions from penalty assessment surcharge revenues. The penalty assessment moneys, previously used to match the federal grant moneys, would be made available as the DOJ grants expire. (Under the bill, federal anti-drug funds would be used for automation of the Public Defender and District Attorneys and matching funds would come from the justice information fee revenue.)

13. Funding for the drug prosecution team is not included in SB 77 and therefore, would expire on February 28, 1998. The drug prosecution team includes 1.0 attorney, 1.0 administrative secretary, 1.0 legal secretary and LTE funding for a law clerk. This team is responsible for prosecuting complex drug cases which often involve multiple jurisdictions, as well as providing legal expertise and training to state and local prosecutors and law enforcement personnel on drug prosecution issues.

14. In addition, funding would not be continued for: (a) a management information specialist under the Division of Narcotics Enforcement, who is responsible for working with the drug agents in performing trend analysis of personal records to develop leads in drug trafficking cases; and (b) a custodian at the Wausau Crime Laboratory.

15. Further, while GPR position authority would be provided for the drug tip hotline operator, no funding would be provided. Therefore, the Department would have to absorb the funding within its base budget. (This would be in addition to unspecified budget reductions of \$484,300 in 1997-98 and \$117,600 in 1998-99 under the bill). According to DOJ, over the last six years, more than 7,000 calls have been received by the hotline, resulting in more than 100 prosecutions.

16. DOJ officials indicate that not providing funding for these services would shift more responsibility and costs to local law enforcement agencies, and would reduce the state's anti-drug efforts.

Restore Remaining Federal Anti-Drug Positions and Replace GPR Funding

17. Given the estimated balance, it would appear that moneys would be available to fund the current programs that were not funded under the bill. This would include the following: (a) \$26,900 annually and 1.0 PR position (and the elimination of 1.0 GPR position) for the drug tip hotline operator; (b) \$55,000 and 1.0 PR position in 1998-99 to restore the management information specialist position under the Division of Narcotics Enforcement; (c) \$24,000 PR and 1.0 PR position in 1998-99 to restore the custodian position at the Wausau Crime Lab; and (d) \$234,900 and 3.0 PR positions in 1998-99 to restore funding for the drug prosecution team. The approval of all of the items would cost \$26,900 PR in 1997-98 and \$340,800 PR in 1998-99.

18. In order to extend funding for these purposes, statutory language would be needed to broaden the name and scope of the fee. The crime laboratories assessment could be renamed the crime laboratories and anti-drug law enforcement assessment, to be used for activities of the state and regional crime laboratories, drug law enforcement and prosecution assistance and drug investigations and analysis.

19. If the Committee approves broadening the scope of the fee and changing the effective date to October 1, 1997, the additional revenues could be used to replace \$600,000 GPR and 10.0 GPR special drug agent positions provided under the bill.

New Positions -- Tactical Intelligence

20. If the crime laboratories and anti-drug law enforcement assessment is approved with the modified effective date, the Committee also could consider using a portion of the revenue to provide additional resources for tactical intelligence efforts under the Division of Narcotics Enforcement. DOJ requested 2.0 program and planning analysts to assist state and local law enforcement agencies in criminal intelligence analysis. This involves gathering and analyzing information from telephone, bank, postal, utility and real estate records to identify drug manufacturers, money laundering schemes and locating fugitives. The Attorney General, in his address to the Committee, reiterated the need for the additional criminal intelligence resources.

21. DOJ currently has two analysts, a program assistant and a supervisor working in criminal intelligence. According to DOJ, while it would be optimal to have an analyst assigned full-time to work one case, the current analysts handle at least 20 cases at one time.

22. The Committee could provide \$79,800 PR in 1997-98 and \$90,100 PR in 1998-99 from the crime laboratories and anti-drug law enforcement assessment for the two analysts

requested by DOJ. Alternatively, the Committee could provide 1.0 PR tactical intelligence analyst position, at a cost to the bill of \$39,900 PR in 1997-98 and \$45,100 PR in 1998-99.

ALTERNATIVES TO BASE

A. Crime Laboratories Assessment Fee

A1. Approve the Governor's recommendation to create a new \$4 crime laboratories assessment to be imposed on convictions for arrests that occur on or after January 1, 1998. Revenues from the new fee are estimated at \$584,400 in 1997-98 and \$2,540,800 in 1998-99.

<u>Alternative A1</u>	<u>PR</u>
1997-99 REVENUE (Change to Base)	\$3,125,200
[Change to Bill	- \$74,800]

A2. Create a new \$4 crime laboratories and anti-drug law enforcement assessment. Specify that the new assessment would apply to convictions for arrests that occur on or after October 1, 1997. Under this alternative, revenues are estimated at \$1,270,400 in 1997-98 and \$2,540,800 in 1998-99, and could be used for crime laboratories, drug law enforcement and prosecutions and drug investigations and analysis.

<u>Alternative A2</u>	<u>PR</u>
1997-99 REVENUE (Change to Base)	\$3,811,200
[Change to Bill	\$611,200]

A3. Maintain current law. Under this alternative, funding would not be available for new DNA analysis techniques at the crime laboratories, or to restore funding for programs which reach their four-year federal funding limit. In addition, the DNA program revenue account would end the biennium with a deficit of approximately \$1.7 million.

<u>Alternative A3</u>	<u>PR</u>
1997-99 REVENUE (Change to Base)	\$0
[Change to Bill	- \$3,200,000]

B. Crime Lab Polymerase Chain Reaction (PCR) Analysis (B1 to be considered if A1 or A2 is adopted)

B1. Approve the Governor's recommendation to provide \$75,000 PR in 1997-98 and \$150,000 PR in 1998-99 for polymerase chain reaction (PCR) analysis.

<u>Alternative B1</u>	<u>PR</u>
1997-99 FUNDING (Change to Base)	\$225,000
[Change to Bill]	\$0]

B2. Provide \$75,000 GPR in 1997-98 and \$150,000 GPR in 1998-99 for polymerase chain reaction (PCR) analysis.

<u>Alternative B2</u>	<u>GPR</u>	<u>PR</u>	<u>TOTAL</u>
1997-99 FUNDING (Change to Base)	\$225,000	\$0	\$225,000
[Change to Bill]	\$225,000	- \$225,000	\$0]

B3. Maintain current law.

<u>Alternative B3</u>	<u>PR</u>
1997-99 FUNDING (Change to Base)	\$0
[Change to Bill]	- \$225,000]

C. Replacement of Federal Anti-Drug Program Funds for Crime Laboratories and DNA Analysis -- Crime Laboratories Assessment (C1 to be considered if A1 or A2 is adopted)

C1. Approve the Governor's recommendation, as technically corrected, to: (a) provide \$150,700 PR and 3.0 PR positions in 1997-98 and \$614,200 and 9.0 PR positions in 1998-99 to fund DOJ anti-drug programs which reach their four-year federal limit (including 7.0 forensic scientists, 1.0 DNA technician and 1.0 management information specialist); (b) create a new program revenue appropriation to receive revenue from the new \$4 crime laboratories assessment to fund drug law enforcement programs and operations at the crime laboratories; and (c) eliminate the requirement, effective July 1, 1998, that GPR funds be provided to match federal anti-drug funding for the crime laboratories, if revenue from the penalty assessment is insufficient.

<u>Alternative C1</u>	<u>PR</u>
1997-99 FUNDING (Change to Base)	\$764,900
[Change to Bill]	- \$2,435,100]
1998-99 POSITIONS (Change to Base)	9.00
[Change to Bill]	0.00]

C2. Modify Alternative C1 as follows: (a) delete the PR positions and funding and the program revenue appropriation; and (b) instead, provide \$150,700 GPR and 3.0 GPR positions in 1997-98 and \$614,200 GPR and 9.0 GPR positions in 1998-99.

<u>Alternative C2</u>	<u>GPR</u>	<u>PR</u>	<u>TOTAL</u>
1997-99 FUNDING (Change to Base)	\$764,900	\$0	\$764,900
[Change to Bill]	\$764,900	- \$3,964,900	- \$3,200,000]
1997-99 POSITIONS (Change to Base)	9.00	0.00	9.00
[Change to Bill]	9.00	- 9.00	0.00

C3. Maintain current law. Under this alternative, 1.0 forensic scientist, 1.0 DNA technician and 1.0 management information specialist would expire on September 30, 1997, and 6.0 forensic scientists would expire on June 30, 1998.

<u>Alternative C3</u>	<u>PR</u>
1997-99 FUNDING (Change to Base)	\$0
[Change to Bill]	- \$3,964,900
1998-99 POSITIONS (Change to Base)	0.00
[Change to Bill]	- 9.00]

D. Replacement of Federal Anti-Drug Funds for DOJ Special Agents -- Penalty Assessment (to be considered if A1, A2 or A3 is adopted)

D1. Approve the Governor's recommendation to provide \$948,800 PR from the penalty assessment and 7.0 PR positions in 1998-99 to restore 7.0 special agents which reach their four-year federal funding limit on June 30, 1998. In addition, provide statutory authority to transfer of \$948,800 in penalty assessment revenue from DOA to DOJ in 1998-99.

<u>Alternative D1</u>	<u>PR</u>
1997-99 FUNDING (Change to Base)	\$948,800
[Change to Bill]	\$0]
1998-99 POSITIONS (Change to Base)	7.00
[Change to Bill]	0.00]

D2. Maintain current law. Under this alternative, 7.0 special agent positions would expire on June 30, 1998.

<u>Alternative D2</u>	<u>PR</u>
1997-99 FUNDING (Change to Base)	\$0
[Change to Bill	- \$948,800]
1998-99 POSITIONS (Change to Base)	0.00
[Change to Bill	- 7.00]

E. Replace Federal Anti-Drug Funding -- GPR (E1 or E3 to be considered if either A1, A2 or A3 is adopted, E2 to be considered only if A2 is adopted)

E1. Approve the Governor's recommendation to provide 1.0 GPR position in 1997-98 for the drug tip hotline operator which expires June 30, 1997, and \$600,000 GPR and an additional 10.0 GPR positions in 1998-99 for the special agents which expire June 30, 1998. No funding would be provided for the drug tip hotline operator, and therefore would be funded from DOJ base funding.

<u>Alternative E1</u>	<u>GPR</u>
1997-99 FUNDING (Change to Base)	\$600,000
[Change to Bill	\$0]
1998-99 POSITIONS (Change to Base)	11.00
[Change to Bill	0.00]

E2. Provide \$26,900 PR and 1.0 PR position for a drug tip hotline operator in 1997-98 and \$626,900 PR and 11.0 PR positions for a substance abuse operator and 10.0 special agents in 1998-99. Program revenue would come from a modified crime laboratory and anti-drug law enforcement assessment, and would replace GPR funding under the bill.

<u>Alternative E2</u>	<u>GPR</u>	<u>PR</u>	<u>TOTAL</u>
1997-99 FUNDING (Change to Base)	\$0	\$653,800	\$653,800
[Change to Bill	- \$600,000	\$653,800	\$53,800]
1998-99 POSITIONS (Change to Base)	0.00	11.00	11.00
[Change to Bill	- 11.00	11.00	0.00]

E3. Maintain current law. The drug tip hotline operator would be eliminated June 30, 1997, and the 10.0 special agents would be eliminated June 30, 1998.

<u>Alternative E3</u>	<u>GPR</u>
1997-99 FUNDING (Change to Base)	\$0
[Change to Bill	- \$600,000]
1998-99 POSITIONS (Change to Base)	0.00
[Change to Bill	- 11.00]

F. Additional Program Revenue to Restore Grant Positions and Provide Tactical Intelligence Agents -- Crime Laboratories Assessment (F1 to be considered if A1 or A2 is adopted, F2 or F3 to be considered only if A2 is adopted)

F1. Provide \$313,900 PR and 5.0 PR positions in 1998-99 to fund the remaining positions and programs currently funded with federal anti-drug grant moneys that expire in the 1997-99 biennium. Funding would be included for the Division of Narcotics Enforcement management information specialist (\$55,000 PR and 1.0 PR position in 1998-99), a custodian at the crime laboratories (\$24,000 PR and 1.0 PR position in 1998-99) and the drug prosecution team (\$234,900 PR and 3.0 PR positions in 1998-99). If adopted with A1, language would be needed to rename the assessment the crime laboratories and anti-drug law enforcement assessment to be used for crime laboratory activities, drug law enforcement and prosecutions and drug investigations and analysis.

<u>Alternative F1</u>	<u>PR</u>
1997-99 FUNDING (Change to Base)	\$313,900
[Change to Bill	\$313,900]
1998-99 POSITIONS (Change to Base)	5.00
[Change to Bill	5.00]

F2. Adopt F1. In addition, provide an additional \$79,800 PR in 1997-98 and \$90,100 in 1998-99 and 2.0 PR positions annually for two tactical intelligence agents.

<u>Alternative F2</u>	<u>PR</u>
1997-99 FUNDING (Change to Base)	\$169,900
[Change to Bill	\$169,900]
1998-99 POSITIONS (Change to Base)	2.00
[Change to Bill	2.00]

F3. Adopt F1. In addition, provide an additional \$39,900 PR in 1997-98 and \$45,100 PR in 1998-99 and 1.0 PR position annually to provide one additional tactical intelligence agent.

<u>Alternative F3</u>	<u>PR</u>
1997-99 FUNDING (Change to Base)	\$85,000
[Change to Bill	\$85,000]
1998-99 POSITIONS (Change to Base)	1.00
[Change to Bill	1.00]

F4. Maintain current law.

Prepared by: Carri Jakel

MO# <u>A₂, B₁, C₁, D₁, E₂</u> <u>F₁</u>		MO# _____
BURKE <input checked="" type="radio"/> Y <input type="radio"/> N <input type="radio"/> A	BURKE	Y N A
DECKER <input checked="" type="radio"/> Y <input type="radio"/> N <input type="radio"/> A	DECKER	Y N A
GEORGE <input checked="" type="radio"/> Y <input checked="" type="radio"/> N <input type="radio"/> A	GEORGE	Y N A
JAUCH <input checked="" type="radio"/> Y <input type="radio"/> N <input type="radio"/> A	JAUCH	Y N A
WINEKE <input checked="" type="radio"/> Y <input type="radio"/> N <input type="radio"/> A	WINEKE	Y N A
SHIBILSKI <input checked="" type="radio"/> Y <input type="radio"/> N <input type="radio"/> A	SHIBILSKI	Y N A
COWLES <input checked="" type="radio"/> Y <input type="radio"/> N <input type="radio"/> A	COWLES	Y N A
PANZER <input checked="" type="radio"/> Y <input type="radio"/> N <input type="radio"/> A	PANZER	Y N A
JENSEN <input checked="" type="radio"/> Y <input type="radio"/> N <input type="radio"/> A	JENSEN	Y N A
2 OURADA <input checked="" type="radio"/> Y <input type="radio"/> N <input type="radio"/> A	OURADA	Y N A
HARSDORF <input checked="" type="radio"/> Y <input checked="" type="radio"/> N <input type="radio"/> A	HARSDORF	Y N A
ALBERS <input checked="" type="radio"/> Y <input type="radio"/> N <input type="radio"/> A	ALBERS	Y N A
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KAUFERT <input checked="" type="radio"/> Y <input type="radio"/> N <input type="radio"/> A	KAUFERT	Y N A
LINTON <input checked="" type="radio"/> Y <input type="radio"/> N <input type="radio"/> A	LINTON	Y N A
COGGS <input checked="" type="radio"/> Y <input type="radio"/> N <input type="radio"/> A	COGGS	Y N A
AYE <u>14</u> NO <u>2</u> ABS <u>0</u>	AYE _____ NO _____ ABS _____	

JUSTICE

Crime Lab and Anti-Drug Initiative

Motion:

Move to provide \$575,800 GPR in 1997-98 and \$2,018,400 GPR in 1998-99 and 1.0 GPR position in 1997-98 and 25.0 GPR positions in 1998-99 for crime lab and anti-drug activities, as identified in Alternative B1, C1, E2 and F1 of LFB Paper #532.

MO#

975

BURKE	Y	<input checked="" type="radio"/> N	A
DECKER	Y	<input checked="" type="radio"/> N	A
GEORGE	<input checked="" type="radio"/> Y	N	A
JAUCH	Y	<input checked="" type="radio"/> N	A
WINEKE	Y	<input checked="" type="radio"/> N	A
SHIBILSKI	Y	<input checked="" type="radio"/> N	A
COWLES	Y	<input checked="" type="radio"/> N	A
PANZER	Y	<input checked="" type="radio"/> N	A
JENSEN	Y	<input checked="" type="radio"/> N	A
OURADA	Y	<input checked="" type="radio"/> N	A
HARSDORF	Y	<input checked="" type="radio"/> N	A
ALBERS	Y	<input checked="" type="radio"/> N	A
GARD	Y	<input checked="" type="radio"/> N	A
KAUFERT	Y	<input checked="" type="radio"/> N	A
LINTON	<input checked="" type="radio"/> Y	N	A
COGGS	<input checked="" type="radio"/> Y	N	A

AYE 3 NO 13 ABS

JUSTICE

Documents Examiner and Computer Crime Lab Analyst

Motion:

Move to provide \$262,100 PR and 3.0 PR positions in 1998-99 for 1.0 documents examiner position and 2.0 computer crime laboratory analyst positions, funded from a newly-created crime laboratory assessment. The two computer crime laboratory analyst positions would be located in Madison and the documents examiner position would be located at the state crime laboratory in Wausau. The funding includes one-time costs of \$79,000 related to equipment costs for the documents examiner.

Note:

Under Senate Bill 77, a crime laboratory assessment of \$4 would be created on all convictions for arrests that occur on or after January 1, 1998. The assessment would apply to any violation of state law, county ordinance or municipal ordinance, except for violations of smoking laws, nonmoving traffic laws or safety belt use violations. Under the bill, revenue from the fee is estimated at \$600,000 in 1997-98 and \$2,600,000 in 1998-99.

The motion would provide \$118,200 PR in 1998-99 from the crime laboratory assessment for two computer crime laboratory analyst positions that would assist state and local law enforcement personnel in combating criminal activities which involve computer information. According to DOJ, drug traffickers and illegal gambling operations often store information regarding their illegal activities on computers. In addition, the positions would be used to investigate cases of pedophiles using computers and the Internet to prey on children.

The motion would also provide \$143,900 PR in 1998-99 from the crime laboratory assessment for one documents examiner position for the Wausau crime laboratory. The motion includes \$79,000 in one-time funding for associated equipment for the position. According to DOJ, the Wausau crime laboratory does not currently have document examining capability; therefore, any cases requiring investigation of documents has to be sent to the Madison or Milwaukee crime laboratories. In addition, DOJ indicates that there are currently 150 cases pending for documents analysis in the other two crime labs.

[Change to Base: \$262,100 PR and 3.0 PR positions]

[Change to Bill: \$262,100 PR and 3.0 PR positions]

MO# 915

BURKE	(Y)	N	A
DECKER	(Y)	N	A
GEORGE	(Y)	(N)	A
JAUCH	(Y)	N	A
WINEKE	(Y)	N	A
SHIBILSKI	(Y)	N	A
COWLES	(Y)	N	A
PANZER	(Y)	N	A
JENSEN	(Y)	(N)	A
OURADA	(Y)	N	A
HARSDORF	(Y)	(N)	A
ALBERS	(Y)	(N)	A
GARD	(Y)	N	A
KAUFERT	(Y)	N	A
LINTON	(Y)	N	A
COGGS	(Y)	N	A

AYE 12 NO 4 ABS 0